

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MOHAMMED NOR,

CIVIL No. 05-2999 DSD/AJB

PETITIONER,

v.

ORDER

SCOTT BANIECKE, FIELD DIRECTOR
DETENTION AND REMOVAL, FOR
BUREAU OF IMMIGRATION AND
CUSTOMS ENFORCEMENT,

RESPONDENT.

Katherine Menendez, Assistant Federal Public Defender, on behalf of petitioner

Robyn A. Millenacker, Assistant United States Attorney, on behalf of the government

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated May 10, 2006. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Nor's Federal Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [Docket No. 1] is **granted**; and
2. Nor be immediately released from custody subject to such terms and conditions as reasonably necessary to ensure the Government access to and control over Nor pending removal.

Dated: May 26, 2006

s/David S. Doty
The Honorable David S. Doty
United States District Court